

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** DOCKET NO. 2:09-CR-037**

v.

*** SECTION: "B"**

MIGUEL OSWALDO CANO-SOTO

a/k/a Miguel Cano

a/k/a Miguel Cano Soto

a/k/a Miguel Oswaldo Cano

a/k/a Miguel Canosoto

a/k/a Miguel Oswaldo Canosoto

a/k/a Miguel Oswaldo Soto

a/k/a Miguel Oswaldo Cano Soto

a/k/a Miguel O Canosoto

a/k/a Miguel O Cano Soto

a/k/a Roberto Estrella Hernandez

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **MIGUEL OSWALDO CANO-SOTO** (hereinafter "**CANO-SOTO**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the “agent”) would testify that on or about December 19, 2008, he encountered the defendant, **CANO-SOTO**, during criminal alien program duties at Orleans Parish Prison, located in Orleans Parish in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement Alien file, including Warrants of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **CANO-SOTO**, was removed from the United States to Mexico on two prior occasions. On or about June 18, 2007, **CANO-SOTO** was removed from the United States at or near Laredo, Texas to Mexico, and again on or about May 6, 2008, **CANO-SOTO** was removed from the United States at or near San Ysidro, California to Mexico. A qualified New Orleans Police Department Fingerprint Examiner would testify that the fingerprints of the individual in the Immigration and Customs Enforcement Alien file with the Warrants of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **CANO-SOTO** , did not receive consent from the United States Attorney General or his designated successor, the

Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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MIGUEL OSWALDO CANO-SOTO Defendant	Date
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ROMA KENT Assistant Federal Public Defender LA Bar Roll No. 1459 Attorney for the Defendant	Date
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